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April 5, 2011

Dear Legislator:

I am writing in support of your repealing the death penalty.

I would have testified at your hearings had I learned of them in time.

I testified at the Connecticut hearings in January 2005. Hopefully, some of you will remember my testimony.

I spoke within minutes of Michael Ross' execution being put on hold for the fifth time that week. It was put off without date, but he was executed on May 13, 2005 at 2AM. I was at the prison vigil.

I let a feeding tube drip while I spoke to mimic lethal injection.

I have attached my involvement with his execution, and my testimony.

I had to retire from the practice of law in 2000 because of an incurable bone marrow cancer which I still have.

I have dedicated much of my life these last years to anti-death penalty activism.

In addition to attending Michael Ross' execution vigil, I have attended nine others throughout the country: California, Ohio, Tennessee, Utah, North Carolina, Texas, Virginia. I go for two reasons: to convey the anti-death message on the media (television, radio and newspapers) and to have a direct connection to the barbaric practice to help me better convey to legislators the reason to eliminate it.

I speak from my soul now, not just from my brain.

I have also attended and unofficially assisted at ten death penalty trials in Federal and state courts in Connecticut and New York.

Here is my main point against this barbaric practice which does not belong in a civilized world.

It generates many victims who are not spoken for.

-Judges (Several judges from the death penalty trials in the federal courts have come up to me at private events, hugged me and whispered in my ear: "keep up the good work, Clare." They did not go to law school to assist in the most pre-planned murder on earth. Neither did prosecutors or defense attorneys.)

-Prosecutors: When I greeted the head federal prosecutor in Brooklyn and told her please for her sake not to seek any more death sentences, she could have said "I have to do what I have to do" or "We have different views." But she said, "Keep doing what you are doing."

The assistant prosecutor on the only death sentence in decades in federal court came up to me at the bar association, hugged me, and started jumping up and down, saying: "I'm not doing them any more! I'm doing corruption cases: got any for me?" He was thrilled not to have to be involved in death penalty trials again.

-Defense attorneys: I watched a defense attorney cry at the sentencing of his client to death: the first federal death sentence in decades. He was a man, not a woman. I had never seen a lawyer cry in a courtroom in my 25 years of practice.

-Journalists: I watched a journalist leave the death chamber in Ohio, a wreck, after witnessing his first execution.

-Ministers: I watched the minister of Teresa Lewis, the first woman executed in Virginia in 98 years, sob in her husband's arms for hours outside the prison as the execution was taking place, last September.

-Executioner: I heard the man speak at Fordham Law School who had been responsible for 62 executions in Virginia and Georgia. He had a religious shift and was now against the death penalty and had to live

with his involvement for the rest of his life.

-Family of person executed: I watched the son and daughter and brother of Ronnie Lee Gardner, executed by firing squad in Utah last year, sob in each other's arms across from the prison.

-Victims' family members: I have seen the impact of the death penalty on the family of the victims: at the Petit trial, the DeMeo trial, the federal trials, the Ross trial. As long as the death sentence is being considered (for over 20 years in most cases), the family members of the murder victims often continue to return to court while the case continues. If the sentence had been "life", the victims' families could have moved on with their lives.

-Jurors: Although I do not have a specific detail, there must be jurors who are a wreck years later after imposing death, either because they have changed their thoughts about the death penalty, or because an innocent person was in jail for years or was executed whom they had sentenced to death.

The innocent persons who have been exonerated (over 100 since 1976) are primarily cases where DNA can be of help. Only about FIFTEEN PERCENT of cases can be helped by DNA. Examples where it often does not help: self-defense cases, accomplice cases, question of cause of death, false identification, false confessions, etc. (I assisted on homicide defense in the 1970's and 1980's.)

-Witnesses: Witnesses whose testimony led to a death sentence would have the same painful experience as jurors, if a defendant were exonerated or an innocent man executed.

-Social workers, wardens, prison staff, inmates, police officers, etc. also have a lifetime negative consequence from executions.

The money spent on the death penalty could be better spent helping victims' families and preventing youth from heading down the wrong path.

Please eliminate the death penalty. It does not belong in a civilized world.

Sincerely yours,

Clare Hogenauer

Clare Hogenauer

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P.S. Supreme Court Justice Ruth Bader Ginsberg said from the stage of the 92nd St. Y in Manhattan a few months ago, that she sobbed at 3 AM after the Court imposed the first death sentence causing an execution, when she started on the bench in the mid-1990's.

MY LEGISLATIVE, LEGAL, MEDIA, EDUCATIONAL, SPIRITUAL, ACTUAL INVOLVEMENT
WITH THE EXECUTION (SLAUGHTER) OF MICHAEL BRUCE ROSS, CONNECTICUT, MAY 2005

Attached is a copy of a postcard that Michael wrote to me just before his first scheduled execution. It was dated January 22, 2005. It was not mailed until February 1. I wondered whether it would have been mailed at all, had he been executed, and why it took ten days to send to me. Maybe I would have replied in a way which would have changed his mind. Did the institution want that to happen?

Also attached is an envelope, handwritten by Michael, enclosing a letter which he sent to everyone who cared about him. It was mailed after his execution by his spiritual advisor.

I was at the near execution in January and was at the vigil and prison for his actual execution, Friday, May 13, in Somers, Connecticut. I was not in the chamber; I would have gotten arrested trying to prevent it!

Legislative: My legislative involvement was that I testified at the death penalty hearings in Hartford on January 31. I have a copy of my testimony on video, as well as the testimony of all others. I had to change my testimony completely, as fifteen minutes before I was to speak, the announcement was made that his execution scheduled for that night was postponed. I held a tube-feeding bag dripping fluid to mimic lethal injection. I do not think anyone will forget it: it was the only theatrical touch at any of the NY or CT hearings. I spoke about the cruel and inhuman nature of six execution times in six days, not just to Michael, but for everyone observing or involved.

Legal: I met and spoke with T.R. Paulding, Michael's lawyer, who assisted his decision not to do further appeals. I left at least five messages for him encouraging him to back off so that Michael's execution would be postponed. I fear he will be haunted years from now. I met and spoke with the lawyers assigned to pursue his incompetence. I attended the December competency hearing and the six days of competency hearings in the spring, all in New London. The hearings were, substantially, wishy washy psychiatric gibberish.

I sat feet away from Michael for all seven days. I saw him smile, cry, walk, talk. I heard him testify. He was a real person to me, not just a photo in a paper or on the television.

Media: I was on television outside the governor's office, with a sign reading: "Stop Michael's execution. The death penalty is barbaric." I was again on tv, at least twice more, including the legislative hearing coverage. I was written up frequently in the newspapers nearest the victims' families: Norwich Bulletin, the Day, etc. One article is attached.

Spiritual: I went with Sister Helen Prejean (the nun from Dead Man Walking) and David Kaczynski, who turned his brother, Ted, the unabomber, into the authorities, to legislators to speak against the death penalty. Helen and David are gems!

Educational: I have spoken to three classes at my Quaker school in Pennsylvania. I intend to speak at schools in NY, CT, NJ, PA, health depending.

Compassionate connections with Michael Ross:

- he was on death row; I am on "death row"
- he wrote 200 goodbye letters last year; I wrote 200 "goodbye" letters last year
- he wanted to go out in a "blaze of glory"; I want to go out "with a bang"
- I sat in the courtroom with my Vassar directory, finding Vassar friends to write "goodbye" to; in the class of '77, in the directory, was his first murder victim
- His psychiatrist testified that Michael's choices were similar to those of someone with terminal cancer! His choices: die now or live on death row in isolation for ten years, hated by many, and prolonging the hearings. Me? Face near certain death in the near future from doing nothing (there is nothing to do); get a bone marrow transplant (not recommended by anyone) and likely die in a week as I reject it.

I will remember the night of the execution, every day of my life.

I have never before sobbed upon the mere receipt
of a note! He had five execution dates pass between

Dear ^{hus} Clare,

I have received all of your letters, and I have read them and thought about what you wrote. However, in the end each of us must do what we believe is right. I wish I had the opportunity to meet you and to speak to you in person, but that is simply impossible. You are right, the death penalty is wrong, but it would be a greater wrong to expose the families of my victims to further prolonged court hearings. I've seen their pain first hand, I caused that pain, and while I can't heal them, or bring back their daughters, I can assure that they will never again have the old ~~wounds~~ wounds torn open by future court hearings. This is not to offer ~~them~~ ~~any~~ ~~sort~~ ~~of~~ ~~restitution~~ ~~for~~ ~~the~~ ~~loss~~ ~~of~~ ~~their~~ ~~daughters~~ ~~and~~ ~~God~~. I have done all that is could, and God gave me this opportunity to begin to heal them as much as they can be healed. REVEREND

Michael B Ross #1127461
Osbourn Correctional Institution
P.O. Box 14605
Seattle, WA 98106
01-18-71

Clare Laura Hoyer
16 West 74th Street - Penthouse
New York, NY 10023

THIS CORRESPONDENCE ORIGINALLY
FROM AN INMATE
CONNECTICUT CORRECTIONAL INSTITUTE
10/22/2013

THE DEATH PENALTY DOES NOT BELONG IN A CIVILIZED SOCIETY.

Clare Hogenauer, Esq.

I have been opposed to the death penalty from the moment I first understood the concept, probably age 3 in 1949.

My first specific memory is that I presented a paper against it in 1962, 43 years ago, in my Bronx high school history class. Who would have thought that I would be here today speaking in my state about something that should have been tossed by humanity in the 1400's!

I must have prepared a paper on the death penalty because of the pending, last execution in New York in 1963. I recall that I counted backwards at the end, mimicking the time it would take to execute someone, maybe the time to put someone in the chair, strap him in, and push the button.

To bring that emotional demonstration up-to-date, I have brought something to mimic lethal injection while I speak. I have ten minutes to speak; when the fluid in this bag empties, the person to be executed would be dead in about the same amount of time.

This bag was actually the type I used to tube-feed my mother for the last five years of her life, but fluid can take life as well as give it.

When I speak about the death penalty, I feel like the little boy in the Emperor's New Clothes, a very famous Hans Christian Anderson children's story. Con artist weavers convince all the adults that if they do not see the beautiful clothing they claim to have made for the emperor, they must be stupid or unfit for office. A little boy speaks the truth: the emperor has nothing on at all.

So, as that little boy, the death penalty is barbaric and has no place in a civilized society.

I have been a New Yorker all my life, having been raised in the Bronx and lived the last 30 years in Manhattan, but I am here as a human being, not a New Yorker.

I practiced criminal law for nearly 30 years until my incurable bone marrow cancer was diagnosed in 2000. But I am not here as a lawyer, but as a human being.

I co-counseled homicides in the 1970's and 1980's, but we never faced the death penalty.

My recent involvement with the death penalty began when I attended the play Exonerated in the Village in November 2003. I saw Sonny Jacobs and other real exonerees on the stage. She described her husband's botched electric chair execution. I had never sobbed in the theater before, but I did that night. This was not theater; this was real.

A few days later, I began a letter which I have ultimately been distributing to friends and family, saying that I am on "death row" with an incurable cancer. The similarities are there. It is a sentence of death which usually takes years to execution. My cancer's average survival is five years; I am up to eight. Many inmates are on death row for longer than that.

Late December 2003, I attended the Emile Dixon case in Brooklyn Eastern District. When the jury returned with a verdict resulting in life without parole, it was the most emotional moment in a courtroom in my life, even though I was just an observer. The thought that 9 of the 12 jurors would have executed him chilled me to the bone. Of course, all people like me, who are opposed to the death penalty, were excluded from the jury.

The ultimate test of any anti-death penalty person, is what about Hitler? Although I despised 99.999% of what he did and stood for, I would not have executed him either.

We need to learn from the lives of those who commit horrific crimes; if we destroy them, we lose that chance.

In April 2004, I attended my first Court of Appeals case in Albany, as an observer. I went in part out of sentiment as I had saved the life of a Court of Appeals judge, just for a week in 2000 in a New York City hospital. That was the Stephen La Valle case which puts us here today.

At a break, I met his mother outside the courtroom. I did what comes naturally to me: I gave her a hug. She said that was the first time in the seven years since the murder that someone outside of family had given her a hug; what is this world coming to?

Immediately after the decision, I came up to Albany and hand-distributed the letter which I have attached, to each legislative office.

I attended the first press conference in Albany, and spoke at the first press conference here in New York at City Hall (the same steps from which I had received the Mayor's Award on Scholastic Achievement in 1963).

I met with several legislators with David Kaczynski and Sister Helen Prejean, the nun from Dead Man Walking.

In December, last month, I began focusing on the execution in the "southern" state of Connecticut, where I have been connected to a camp for over half a century. I went to Michael Ross' competency hearing in New London, and as I was televised in Hartford the following week saying, no one not emotionally connected to his crimes could have sat in that courtroom and seen this quite feminine man or heard him cry on the witness stand describing his not wanting to put the victims' families through another death penalty hearing and said- glad we're killing him in a month!

I attended the formation in December of Murder Victims Families for Human Rights at the UN. This was the most emotionally intense hour of my life. In a room 1/3 the size of this were a few cameramen, a couple of observers like me, and about 12 people who had lost a loved one to murder yet were passionately against the death penalty. I have never experienced the ultimate of human compassion and forgiveness in one room at one time in my life.

For those of you who are on the fence or in favor of the death penalty, I invite you to join me, Sister Helen Prejean, and all the others who will be at the execution, either in the chamber or outside the prison. You will be in the best position then to evaluate: do I want this horror in my state?

I truly regret that it is not being televised. Let the world see how this barbaric practice occurs! What is the difference between it and beheading? Nothing.

Last, I wish to say something which I have never heard said from anyone as a reason not to have the death penalty: the unmentioned victims. Who are they beside Michael and his father? They are all of us, to varying degrees. For the millions who are opposed to the death penalty, I say that an execution will have an impact in the top ten of their lives. For someone like me with a life-threatening, soon to be fatal, illness or anyone of the millions of New Yorkers in a frail or debilitating condition, an execution, like Michael's, will exacerbate any physical, mental or emotional condition. That includes most people over 75 and anyone with a serious illness. I suggest that I will die sooner rather than later if Michael is executed.

I could not help but note a compassionate connection I felt with Michael Ross. The newspaper reported that he had written 200 goodbye letters and was saddened by the low response rate. I, too, have written almost 200 goodbye letters and while my response rate was dramatically higher, I have had my surprises of the unexpected, not always helpful ways in which some people have responded: avoiding me, being the worst. We have had no training in life to handle death and dying.

It is quite common for an anti-death penalty person to be asked, usually somewhat confrontationally, "what if it were your mother who had been murdered?" My unexpected answer is that I was nearly murdered in my elevator in my apartment on 74th St. in 1975. As I was only willing to say that I was 95% certain the man I identified at the police precinct photo array was the man, they made no arrest. The name of the man on the card remained riveted in my brain. Years later, I saw that name in the Law Journal, they compared my file to his and it was the same man. He had been convicted of murder. His name was Ronald Timmons. His life and that of his cousin Willie Boscet generated the juvenile offender law, reducing the age at which a young person would be convicted as an adult.

That did not change my mind about the death penalty. I sobbed when I learned that he been put away for life in Dannemora. If only he had been stopped on my case, maybe, although small chance, his life could have been turned around.

I have written to Michael and Governor Rell. I told her that I feared that her decision to not grant a stay will likely haunt her at some point in her life.

Please do not be in that position.

To reiterate the last few lines of my July letter: (See attached)

Clare Hogenauer

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1-3-05

Please stop Michael Ross' execution, and
eliminate the death penalty!

The death penalty is barbaric!

I am a New Yorker, but am hand-delivering
this as a human being.

I have been connected to a camp in
Lakeville, CT since 1956. Had the
crimes occurred there, he would be
facing execution. A mile away in
New York, he would not!

I was at Michael's competency hearing
in New London last week, and sat
five feet from him for hours. He
cried on the witness stand, because
he does not want victims' families
to go through the pain of another penalty
hearing. So, he has not agreed to pursue
that appeal. I wish it had been videotaped.
He demonstrated the kind of compassion
which by itself should preclude the
death penalty. He is willing to have life without parole.
I delivered the attached to New York
legislators. It is equally applicable.

Except that I am six months closer to
"execution" from an inescapable bone
marrow cancer.

Despite my daily fevers, exhaustion and
pain, I came here to convey these words.
I take this position despite my having
been nearly murdered in my apartment
building on 74th St. in 1975.

Could you inject the lethal dose?

I will be carrying a sign at the Capitol
as often as I am able, saying "Please
stop Michael's execution. The
death penalty is barbaric."

I will attend the execution with
Sister Helen Prejean, but hope I
will not have to.

Thank you.

Sincerely,
Clare Hogenauer